IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2972 OF 2005

Mr. Gulab Puran Singh
& Anr. . .. Petitioners.

vs.

The Malad Sahakari Bank Ltd., .. Respondent.

Mr. Dinesh C. Shah for petitioners.
Mr. S.A. Ghaisas, AGP., for respondent.

CORAM : S.U. KAMDAR, J.
DATE : 18th November, 2005.

P.C.:

. The learned counsel appearing for the respondent Bank states that the matter may be remanded back to the recovery officer for leading evidence and establishing claim afresh. The petitioner has no objection to the same. In view of the aforesaid, the impugned orders passed both in the recovery proceedings as well as before the revisional authority are set aside and the matter is remanded back to the Assistant Registrar, Wadala for fresh determination. It is made clear that the Bank will be entitled to lead necessary appropriate

evidence to establish their case including by filing books of accounts and the Asstt. Registrar will decide the matter afresh on its own merits. The petitioner will be at liberty to lead necessary cross-examination if he remain present. In that view of the matter, the petition disposed of with the aforesaid order. No order as to costs.